

BENJAMIN T. FRANKLIN ET AL.

IBLA 72-90, etc. 1/

Decided November 30, 1971

Oil and Gas Leases: Generally -- Oil and Gas Leases: Consent of Agency

The Board adheres to its decision in Quantex Corporation et al., 4 IBLA 31, 78 I.D. (October 28, 1971), that applicants for oil and gas leases must give written acceptance of reasonable special stipulations requested by the Bureau of Land Management or by the Forest Service relating to protection of the land and surface resources under their respective jurisdictions, and to stipulations governing use of lands in the oil shale areas of Colorado, Utah and Wyoming, as conditions precedent to issuance of noncompetitive public domain oil and gas leases.

4 IBLA 130

IBLA 72-90, etc. 1/

: U-15813, etc. 1/

BENJAMIN T. FRANKLIN ET AL.

: Oil and gas lease offers;
: stipulations required

: Affirmed

DECISION

Benjamin T. Franklin and others 1/ have appealed individually from decisions in which the Utah land office, Bureau of Land Management, required each of them to agree to special stipulations as a condition precedent to issuance of noncompetitive oil and gas leases under § 17, Mineral Leasing Act of 1920, 30 U.S.C. § 226 (1970), in response to their respective lease offers. The stipulations would require the lessee to notify, in writing, the district manager, Bureau of Land Management, or the forest supervisor, Forest Service, of any proposed operations on the leasehold within their respective areas of jurisdiction which might damage the surface resources, cause water pollution, scar the public lands or induce erosion. In addition, the lessee would be limited as to his use of lands within the "oil shale areas" established by Executive Order No. 5327 of April 15, 1930.

The appellants contend essentially that the required stipulations will create unnecessary restrictions against exploration for oil and gas under the federal leases.

This Department has considered on many occasions the arguments presented by the appellants against imposition of special stipulations on oil and gas leases for the protection of the lands and their resources. In a recent decision, Quantex Corporation et al., 4 IBLA 31, 78 I.D. , (October 28, 1971), 2/ this Board reviewed the requirements for such special stipulations and the authority

1/ See Appendix A for a listing of IBLA docket numbers, BLM serial numbers, appellants, and stipulations required for each offer.

2/ Several of the appellants presently at bar had appeals included in the Quantex decision.

of the Bureau of Land Management to impose them as a condition precedent to issuance of oil and gas leases. 43 CFR 3109.2, 3109.4 (1971). That decision held that as the required stipulations are not unreasonable or unduly restrictive, and since they will not prevent the orderly development of the oil and gas resources in the lands involved, they must be accepted by the appellants or their offers will be rejected.

The Board finds no reason to disturb its previous ruling.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F. R. 12081), the decisions appealed from are affirmed. Each appellant is allowed 30 days from the date of this decision within which to submit executed copies of the required stipulations to the Utah land office, Bureau of Land Management, failing in which his offers herein discussed will be rejected without further notice.

Newton Frishberg, Chairman

We concur:

Martin Ritvo, Member

Edward W. Stuebing, Member.

APPENDIX A

Docket Number	Appellant	BLM Serial	Stipulations *
72-90	Benjamin T. Franklin	U-15813	BLM
	U-15814	BLM	
	U-15815	BLM	
	U-15816	BLM	
	U-15817	BLM	
	U-15818	BLM	
72-92	Jean Oakason	U-15959	BLM
72-95	Bob Owen White	U-16132	BLM
72-96	Donald Ogilvie	U-16144	BLM
72-97	John Oakason	U-15612	BLM
	U-15613	FS	
	U-15615	FS	
	U-15616	FS	
72-101	James Krumhansl	U-15567	BLM
72-102	Frances Kunkel	U-15650	BLM
72-111	Benjamin T. Franklin	U-15963	BLM
	U-15964	BLM	
	U-15975	BLM	
72-112	John Oakason	U-16300	BLM
72-113	Frances Kunkel	U-15512	BLM-OS
72-123	Wm. A. Stevenson	U-15657	BLM
	U-15658	BLM	
72-124	Beverly Lasrich	U-15903	OS
	U-15906	BLM	
	U-15907	BLM	
	U-16106	BLM	
72-125	Mary Lee Stevenson	U-16164	BLM
72-127	Julian B. Falk	U-16481	BLM
72-128	Benjamin T. Franklin	U-16274	BLM

* BLM: Notice to district manager

FS: Notice to forest supervisor

OS: Oil shale lands involved

